

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 47, 49-57 and 59-63 are pending in the application, with 47, 53, and 56 being the independent claims. Claims 48 and 58 are cancelled herein without prejudice to or disclaimer of the subject matter therein. No new claims are added. Claims 47, 53, 54, 56 and 59 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejects claims 47-49, 51, 52, 56, 57 and 60-62 under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent 4,871,683 to Harris *et al.* (herein referred to as "Harris") or under 35 U.S.C. § 102(e), as allegedly being anticipated by U.S. Patent No. 6,890,491 to Feygin *et al.* (herein referred to as "Feygin"). (Office Action dated August 12, 2005, pages 3-5.) Applicants respectfully traverse notwithstanding the above amendment.

Neither Harris nor Feygin discloses each and every element, limitation, and/or feature of Applicants' invention. Independent claims 48, 53 and 56 each call for, *inter alia*, at least one reaction mount including a plurality of reaction wells.

Neither Harris nor Feygin discloses a plurality of reaction wells in at least one reaction mount. Instead, Harris teaches a reaction capsule 14, effectively operating as only a single reaction well mounted on a turntable 12. Similarly, Feygin teaches a reaction vessel 10, effectively operating as only a single reaction well mounted on a carousel plate 64.

As such, independent claims 47, 53 and 56 are not anticipated by and are patentable over Harris or Feygin. Claims 49-52, 54-55, 57 and 59-63 depend from and add additional features to claims 47, 53 and 56, respectively and are therefore patentable for at least the same reasons discussed above for claims 47, 53 and 56. Thus, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 102(e), and allowance of the above claims are respectfully requested.

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner rejects claims 50, 53-55, 58, 59 and 63, as allegedly being obvious over Harris or Feygin in view of U.S. Patent 5,106,583 to Raysberg *et al.* (herein referred to as “Raysberg”). (Office Action, pages 4-6.) Also, the Examiner rejects claim 61 as allegedly being obvious over Feygin in view of Harris. Applicants respectfully traverse notwithstanding the above amendment.

None of the cited references teach or suggest, either alone or in combination, each and every element, limitation, and/or feature of Applicants’ invention, either alone or in combination.

With respect to independent claims 48, 53 and 56, Raysberg does not teach or suggest that the plurality of wells of the reaction mount simultaneously communicate with the exit port that corresponds to the reaction mount or with the corresponding chamber formed by the liquid conduit.

Rather than having the *plurality* of wells simultaneously communicate with *the* exit port or *the* chamber that corresponds to the reaction mount as claimed, Raysberg, as illustrated in FIGs. 1b-1d, has separate reaction chambers 45, for each hole 3 of slide 1 with separate lines 40 exiting from each reaction chamber 45. Alternatively, Raysberg teaches a movable body 111 accessing each hole 3 of slide 1 separately, not simultaneously. Thus, even combining Raysberg with either Harris or Feygin would not achieve the claimed invention.

The examiner asserts that "it would have been obvious to make the dispenser of Harris [or Feygin] radially movable as taught by Raysberg in order to access the mounts and/or remove the dispenser from the carousel as shown by Raysberg." (Office Action, page 4 and 6). However, adding multiple wells per reaction mount *and* the dispenser of Raysberg would require a substantial reconstruction and redesign of Harris or Feygin in order to function properly as well as the construction under which Harris and Feygin were designed to operate, i.e., with only a single reaction vessel. *See In re Ratti*, 270 F.2d 810 (CCPA 1959). As such, it would not be obvious to combine the references of Harris or Feygin and Raysberg to obtain the present invention, without impermissible hindsight.

Harris, Feygin or Raysberg, either alone or in combination, do not teach each and every limitation of the claimed invention, and there is no suggestion or motivation to modify the teachings of either Harris or Feygin with Raysberg to obtain the claimed invention.

As such, claims 47, 53 and 56, as amended herein, are patentable over the references cited. Claims 49-52, 54-55, 57 and 59-63 depend from and add additional features to one of claims 47, 53 or 56 and are thus patentable for at least the same

reasons as claims 47, 53 and 56. Thus, reconsideration and withdrawal of the rejection under 35 U.S.C. 103(a), and allowance of the above claims are respectfully requested.

Rejection for Non-Statutory Double Patenting

In the Office Action, the Examiner rejects claims 47-48, 50-52 and 56-61 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-15 of U.S. Patent 6,264,891. Applicants submit herewith a terminal disclaimer, disclaiming the terminal end of U.S. Patent No. 6,264,891.

Applicants therefore respectfully request the withdrawal of this non-statutory obviousness-type double patenting rejection.

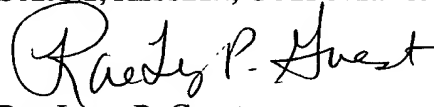
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully
requested.

Respectfully submitted,

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